THE VIRGINIA GAZETTE, & GENERAL ADVERTISER

RICHMOND:—PRINTED (EVERY TUESDAY AND FRIDAY) BY AUGUSTINE DAVIS, AT FOUR DOLLARS PER ANNUM—PAID IN ADVANCE.

NUMBER 983.] FRIDAY, MARCH 19, 1802. [VOLUME XVI.

RUNAWAY,

From the subscriber, on Friday last, a yellow man slave named

Anthony.

HE is about five feet eight inches high, twety five years old, has a remarkable thick black beard, had on when he went away a short blue coat, bordered with red, with a red cape; he also took with him a variety of other cloathing; was formerly the property of Mr. Henry Gerard Latus, at the Bowling-Green, where it is supposed he will attempt to go. He was born in Richmond county, and has acquaintances in Surry. Any person who will secure the above mentioned slave, or deliver him to me in this place, shall receive a compensation adequate to the trouble, and all expences paid.

BEN: MOSEY.

Richmond, Feb. 8, 1802. tf

Robert & Allan Pollok & Co.

Are now receiving by the late arrivals from London, Liverpool, & Glasgow,

A GENERAL ASSORTMENT OF

DRY GOOD,

SUITED to the present and approaching Season, which they offer FOR SALE on moderate terms.

BUCHANAN & POLLOK,

Of Petersburg, and

ROBERT POLLOK & Co.

Of Manchester,

Are also now opening their Supplies of

FALL AND WINTER GOODS

Richmond, October 8, 1801.

Notice!

WHEREAS the House of HOOPER & TOLLER has conveyed to us as Trustees for the benefit of its Creditors, the whole of its Stock and Merchandize in trade, and all its outstanding debts: We therefore give notice to those indebted to said firm, that they are to make payment to us alone.

Robert Gamble,
James Brown,
Charles Macmurdo.

Richmond, 1st March, 1802. 4w.

James P. Hopkins,
TAYLOR,

[OPPOSITE THE CITY HOTEL]

RETURNS his grateful thanks to the citizens of Richmond and its vicinity for the encouragement he has received, and assures them, that no exertion on his part shall be wanted to deserve their future favours, being provided with good workmen, he will be able to serve them on the shortest notice, with the newest fashions and his usual punctuality.

☞ Those of his country customers who are indebted to him, will serve him materially by immediate payment.

Richmond, Feb. 16, 1802.

Old Dare-Devil

STANDS at my house in Chesterfield county on Appomatox river, fifteen miles above Petersburg, ten from the court house, and will cover mares by the season at Thirty-Five Dollars, ten of which will be remitted, if paid by the 10th of August, when the season expires. Mares may be fed with grain at twenty-five cents per day, which must be paid before they are taken away.—It is needless to swell the advertisement with his pedigree and performance, as they have been so often ascertained heretofore—Undoubtedly he was as fleet a horse as any in England in his day—as to his blood, it is from the first crosses; that is, Herod and Eclipse. Dare Devil's get speaks for themselves, as they are the best racers on the continent, which was made manifest by their run last fall. They won at Richmond, Petersburg, New-Brunswick, Hick's-Ford, Norfolk, Warrington and Tarborough, besides at many other places. No responsibility for accidents.

THOMAS GOODE.

February 12, 1802.

N. B. One Dollar to the groom.

Genessee.

For Sale, all the Subscriber's
MILLS, HOUSES, and improved FARMS,
In the counties of Ontario and Steuben, in the state of New-York.

TO meet the views of the numerous applicants for this valuable property, and to give an opportunity of acquiring it on fair and equal terms, the subscriber offers it for sale at Public Auction, on Wednesday the 15th day of June next, at Powell's Hotel in Geneva, on the favourable terms of one sixth Cash, and the remainder payable in six annual payments with lawful interest.

The mills are situated at Hopeton, Lyons, Sodus, Genessee Falls, Caledonia, Hemlock-Lake, Painted-Post, Bath and Canisteo, several of which are merchant mills, and the greater part of them are erected on the navigable waters leading to Montreal, Albany, and Baltimore.

The houses are situated in Bath, Painted Post, Hopeton, Geneva, Lyons and Sodus, and the improved farms are in the neighbourhood of these towns. All of which will positively be sold, except the house and farm occupied by the subscriber, near Bath.

CHARLES WILLIAMSON.

Bath, February 1, 1802.

FOR SALE,

At first cost, a northern built

COACHEE,

And a pair of HARNESS, which has never been used.

THE cause of its sale is, that it is not such a carriage as was directed. It may be seen, and the price known, by applying to the printer of this paper.

Richmond, March 13, 1802.

MARSHAL's SALE.

ON Thursday the first day of April next, 1802, on the plantation where col. William Fleming now resides, in the county of Chesterfield, WILL BE SOLD, to the highest bidder, for Ready Money, the following property, viz.

THIRTY-TWO SLAVES;

Davy, Young Davy, Dover, Will, Toney, Harry, York, Little York, Lucy, Patty, Polly, John, London, Maria, Amy, Charles, Beckey, Spencer, Dolly, Nelly, Sam, Frederick, Jany, Bettey, William, Simon, Jemmy, Nelly, Sally, Violet, Violet, and Dick.

STOCK.

Eight Horses, forty head of Cattle, including three yoke of Oxen; forty old Sheep, twenty-four Lambs, and twenty-five head of Hogs.

CARRIAGES.

One Coachee, one Horse Tumbril, and one Ox Cart.

HOUSEHOLD FURNITURE.

One double keyed Harpsicord, two Dressing Tables, two Book Cases, two Cloths' Presses, one Desk, two Dining Tables, two Side Boards, three Looking Glasses, three dozen Chairs, two large painted Buffets, with glass doors; six Beds and Furniture, four Carpets, one large Rum Case, with bottles, holding 24 gallons; and a great variety of Glass and China Ware, with a number of other articles too tedious to enumerate.

BOOKS.

Encyclopœdia, American edition, 18 vols. Lock's Works, complete; Moll's Geography, folio; Borehave's Chymistry, Cullin's Materia Medica, Ditto Practice of Physic, with Rotherham's Notes, 4 vols. thirteen vols. of Pope's Works, nine vols Plutarch's Lives, 6 vols. Rollin's Bell Letters, four vols. Cicero's Orations, three vols. Ditto Letters, three vols. Ditto Epistles to Atticus, two vols. Ditto Morals, two vols. Montesque's Spirit of Laws, two vols. Sidney on Government; and a great variety of other valuable books.

The property of William Fleming, taken to satisfy an execution which issued on a judgment obtained late in the Court of the United States, for the Middle Circuit, in the Virginia District, by Thomas Main, executor of John Hyndman, who was surviving partner of James Buchanan and Company, against the said William Fleming.

Among the Negroes named in this advertisement, there are several valuable Carpenters and House Servants.

The sale will commence at eleven o'clock on the day and at the place above named, and will continue from day to day until the whole of the above property is sold or so much thereof as will satisfy the above mentioned execution and the legal costs.

Joseph Scott,
Marshal E. V. D.

NOTICE.

In pursuance of a Deed of Trust from John Allen, to the subscribers, will be exposed to sale, for ready money, on Saturday, the 27th of this month,

The TENEMENT

IN the City of Richmond, now occupied by the said John Allen, lying on the main street, opposite to the Court-House; to satisfy a debt due to Robert Gordon & Co. The sale will be at the premises, and will commence between 11 and 12 o'clock, in the forenoon.

Charles Copland,
Robert Pollok.

Richmond, March 15, 1802. 3t

ROBERT GAMBLE,

TAKES this method to inform his friends, in the Country, and the public in general.—That he is, provided with a convenient WARE HOUSE, for the reception of Country Produce. Those who may confide to his care, their Flour, &c. may rely on his endeavors to obtain the best Prices the Market will admit. His Charges will be moderate, and he flatters himself, his conduct will prove satisfactory.

Richmond, March 8, 1802. tf

Patent Balances.

THE patentee of this very useful invention (which unites the accuracy of scales to the conveniency of steelyards) has sent a few pair to the subscriber, for sale.

They are of different sizes, weighing from a quarter of a pound to one hundred, from one pound to three hundred, and from ten pounds to three thousand weight. They are found to answer all the purposes of weighing with the greatest precision, insomuch that they are used generally in Boston, not only by the merchants, but at the custom-house, and by all the public officers of the state of Massachusetts, their use being authorized by an act of that Legislature. From experiments made here they are found to be correct by the standard, which together with their convenience must give them a great preference to any thing of the kind now in use.

E. W. ROOTES.

March 8, 1802.

Wanted as a Tutor,

IN a private family, a person who is capable of teaching the English and Latin Languages, also writing and arithmetic. Such a one who can come well recommended, as to his sobriety and good demeanor will meet with generous encouragement. Apply to the printer hereof.

Feb. 15, 1802.

Sales at Auction.

THE subscribers again beg leave to inform their friends and the public, that being still desirous to close Sales of a considerable consignment of MUSLINS, consisting of elegant tamboured, printed, lappel, and printed shawls, amounting to £.10,000 sterling, offer them at currency for sterling, for Tobacco, of good weights, or the Richmond or Manchester inspection, at 33s. per cwt. or approved notes, or acceptances, at 6 months.

PROSSER & MONCURE, V. M.

P. S. Will be sold on the premises, on Saturday the 20th March, at 11 o'Clock, A. M. for approved Notes at 60 days, One Square LOTS, on Shockoe Hill, within the corporation of the city, and known by the Nos. 59, 60, 67 and 68, in Wm. G. Payne's platt, dated 10th January 1799.

Also—One Lot, known by the No. 631, adjoining the Lots of Mr. Patrick Gibson.

P. & M. V. M.

Richmond, Feb. 22, 1802.

Mrs. Davidson,

HAS REMOVED to the house lately occupied by Mr. Gorlier, next door to Mr. Robert Gordon, where she intends carrying on the business as formerly. She has received by the last arrivals from New-York, a handsome assortment of

MILLENERY,

With a variety of Gold, Silver, Silk, and Cotton Trimmings, which she will dispose of by retail.

Richmond, March 1st, 1802.

Hampden Sidney,

January 22, 1802.

THE TRUSTEES of the College wish to inform the public, that the buildings are in good repair for the reception of Students; and that the Rev. Archibald Alexander, who some months ago gave up the charge of the College as President, has consented to return, and has been re-appointed to that office. 4w

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HOUSE of REPRESENTATIVES
OF THE
UNITED STATES.

February 18.

Debate on the bill received from the senate, entitled "An act to repeal certain acts respecting the organization of the courts of the United States."

(CONTINUED.)

Speech of Mr. STANLEY.

Mr. Chairman—The deep impression I feel of the importance of the question at present before us, would alone induce me to assign the reasons of the vote which I shall give: but, sir, I am urged by another strong reason to justify that vote.

The legislature of the state of N. Carolina, a part of which I have the honor to represent, has thought proper to recommend to her representatives on this floor, to use their endeavors to effect the measure contemplated by the bill on your table, for the repeal of the act of last congress, for the better organization of the courts of the United States. Holding myself responsible to my constituents for the vote which I shall give on this as on every other question, I cannot admit the right of any other authority, however respectable, to controul or in any manner to influence my conduct. The high respect which I feel, and which is justly due to the honorable body, which has made this recommendation, has induced me to review with deliberation and caution the opinion I had formed; and tho' it is painful to differ from those I esteem, yet my duty to my constituents compels me in this instance to do so. I owe also a duty to myself, to give no vote which my conscience and my understanding do not approve. Every measure which is brought under the consideration of a legislature must first be tested by its expediency—unhappily in the present instance another question arises, its unconstitutionality—I will endeavor concisely to examine the subject on both those points. And first the expediency of the measure. In order to form a correct estimate between the present judiciary system of the courts of the United States, and that for which it was substituted, it is proper to take a comparative view of both. Under the former system there were six judges of the supreme courts of the United States, who held two sessions of the supreme court in each year, at the seat of government; these judges also held in each state, a circuit court two terms in each year, in which the judge of the district was associated with the circuit judge—the organization of the district court having jurisdiction principally of matters affecting the revenue and admiralty causes, not being connected with the present question, need not be examined. From the errors of the system resulted, first, a delay of justice. The judges bound to hold courts in succession at remote parts of the continent, were continually travelling; from the variety of delays to which travellers are subjected in this country, from the condition of roads and overflowing of rivers, it frequently happened that the judges failed in their attempts to get to the courts, or arrived so late that little business was done. Suitors, jurors and witnesses were subjected to the trouble and expence of attending courts without the accomplishment of their business. Hence resulted that delay of justice. In the state to which I belong this was frequently the case, during the four years existence of the former system. Another great evil resulting from that system was its tendency to lessen the respectability of the federal bench.—Those best acquainted with the profession of the law, will most readily admit, that even a life of patient study is unequal to the perfect attainment of all its principles and rules, and that much perseverance is necessary to preserve that which is gained. Consequently, that extent of legal knowledge, correctness of judgment, and respectability of character which should designate the persons qualified for this important trust, were seldom to be found but in men far advanced in years. Men possessing those valuable qualifications, not inured to labor, seldom equal to the fatigue of their duty, or if so at the time of their appointment fast approaching to the infirmities of age, were not to be expected to relinquish the enjoyment of private life, for an office, which however honorable, subjected them to the fatigue of a day laborer—the office with its incumbrances was as in were offered to the lowest bidders: and men best qualified to honor the bench were driven from it. True it is, men have been found eminently uniting virtue and talents, who have accepted the office under all its distressing inconveniences, but we owe this rather to their patriotism, than to the advantages of the situation—let it also be remembered that in some instances gentlemen who would have adorned the seat of justice of any age, were compelled to relinquish their seats, and in others, refused to accept the appointment. Another error of that system was, that the judges of the supreme court, the court in the last resort before whom the errors of the inferior circuit courts were to be corrected, were the same men, who presided in those circuit courts.—With great deference for the opinions of gentlemen who prefer that system, I pronounce my opinion, that its errors were radical, that those who justly estimated the importance to our interest and national character of a speedy and correct administration of justice ought to have desired a change: The present system has happily obviated these errors. The states are divided into six circuits; in each state is appointed one judge, called a circuit judge; the judges of the states composing one circuit ride together into the states of their circuit, and together hold the court; the much smaller distance which those gentlemen have to travel than the judges of the circuit court under the former system, secures their due attendance. A portion of their time is left them for study and reflection, and the same persons presiding at successive terms, and uniformity of decision is preserved. The six former judges hold the supreme court with original constitutional jurisdiction in matters of the utmost national importance, and an appellate jurisdiction in certain cases, where the sum in dispute is 2000 dols.—they are also the court in which the errors in the circuit courts are examined and corrected. If, sir, the organization of the courts could have been improved by a system preferable to the present, it is my misfortune not yet to have heard of it. I will now, sir, examine the objections which have been urged against the present system, and the gentleman from Kentucky (Mr. Davis) must pardon me if in doing so, I notice some not yet advanced on this floor, which though he is pleased to term 'shadows,' have yet been imposed on the American people for *substance*. The honorable gentleman from Virginia (Mr. Thompson) has charged this system with a great increase of expence—what, sir, is the amount of this increase of expence? The estimate from the treasury department informs us, that the salaries of the judges created under the act of last congress, and the addition made to the salaries of the judges of Kentucky, Tennessee and N. W. Territory, amount to 32,000 dollars, some contingent expences are necessary, which cannot be estimated at more than 3,000—making together the sum of 40,000 dollars—a sum which when compared with the magnitude of the object, or the vast resources and revenues of this country, becomes an atom, the dust of the balance. But, sir, permit me to ask when was it discovered that the people of America were so fordid, as to consider their gold their chief good? I had believed sir, they justly estimated it as the instrument by which their good might be promoted. When we took the field for independence, did any cool

calculator eſtimate the coſt? Is our republican government founded on and guaranteeing the equal rights of man, preferred becauſe of its cheapneſs? No, ſir, with the honeſt pride of an American, I reply, they act from nobler motives. If the purpoſe on which the money is beſtowed be neceſſary, the people ought to ſubmit to the expence, for an improvement in ſo valuable an inſtitution as the judiciary, by which the weak and the poor are protected, againſt the great and the opulent, the people will ſubmit to it. The preſident has laid before us a document, exhibiting the buſineſs which has been decided in the federal courts, with a ſtatement of what was pending when that document was taken—I ſhall ſay nothing further of the errors which have been detected in this document than that I do not attribute them to the executive; as he received it, I preſume he ſubmitted it to us. But, ſir, I cannot but expreſs my admiration of the novelty, if not the ſolidity of the argument founded on this document, that courts are uſeleſs and neceſſary; in proportion to the quantity of buſineſs before them. Can gentlemen believe, that becauſe at the time of taking theſe ſtatements there was leſs buſineſs than there had been before, litigation would decline, that nothing would exiſt, but peace and good will among men? If this is not believed, if commerce will continue and paſſions rule us, ſo long will there be litigation, ſo long will there be neceſſity for courts, their exiſtence will be beneficial, though without buſineſs, they ſhew to our citizens and to the world, that we are prepared to puniſh crimes and adminiſter juſtice. And it becomes our duty to eſtabliſh that ſyſtem which ſhall beſt promote the great objects of a correct and ſpeedy adminiſtration of juſtice. The argument drawn from this document is fallacious on another ground, the paucity of ſuits is owing not to the want of litigation on queſtions within federal juriſdiction, but becauſe of the erroneous organization of the courts under the former ſyſtem, ſuitors were driven into the ſtate courts.

The ſame honorable member from Virginia has told us the former courts were ſufficient, and to eſtabliſh his point, has adduced evidence from that reſpectable ſtate the ancient dominion; the gentleman tells us, that in that ſtate one venerable man has before him the whole extenſive chancery juriſdiction of the ſtate, the docket of which contains 2600 cauſes—without inquiring what portion of this multitude of buſineſs this judge is able to perform, I do not heſitate to ſay the fact can have no weight in eſtabliſhing the gentleman's argument. We did not complain ſir, that under the former ſyſtem the judges had too extenſive a juriſdiction, nor that there was a multitude of caſes, but that the diſcharge of their duty, however limited their juriſdiction, however few the cauſes, compelled them to a perpetual travelling, leaving them no time for ſtudy and ſubjecting the courts to delays though their juriſdiction had been limited to one ſpecies of action only, and the buſineſs in court reduced to a ſingle cauſe, the labour and uncertainty of travelling from Hampſhire to Georgia was ſtill the ſame.—It is objected againſt the act propoſed to be repealed, that a dangerous patronage is created by it for the Preſident. I ſhall paſs over what I conſider the inconſiſtency in this objection coming from gentlemen who profeſs that implicit confidence is due to the man choſen by the people who in his appointments ſpeak not leſs the voice of the people, than the voice of God; and examine the weight of the objection. If this apprehended patronage means the power of appointing the *judiciary* that power is given by the conſtitution, and is the ſame whether the powers of the judiciary be veſted in ſix or in ſixteen judges. If it give an undue control over the people in favor of the executive, through the judiciary, leave the judges as independent as we contend they are, and ought to be, and they are placed beyond the neceſſity of deſcending to the practice of improper means to preſerve executive favor.

We have been told, ſir, that it is neceſſary the judges ſhould ride into the ſtates to gain a knowledge of the laws by which in many caſes they are to decide. Until this occaſion I have never heard that the laws of a country could only be acquired in the atmoſphere of that country, where they are in force. Nine tenths of the deciſions in our ſtate courts, and federal courts turn on queſtions of common law, yet has it never been ſuggeſted that an American judge was incompetent to decide on common law queſtions, becauſe he had not ſtudied in England? No ſir, the knowledge in both caſes may be acquired in the cloſet. To theſe obſervations permit me to add, that the remonſtrance from the bar of Philadelphia, compoſed of gentlemen no leſs celebrated for the reſpectability of their private, than of their profeſſional character, who on this occaſion ſo intereſting to the welfare of their country, have ſacrificed political prejudices thereby ſtrongly expreſſing their decided preference of the preſent ſyſtem to the former, is to my mind ſufficient evidence that it ought to be preferred. I am therefore of opinion it is inexpedient to paſs this repealing bill: and ſo long as my opinion is ſupported by the reſpectable authority I have juſt alluded to, and oppoſed only by the objections, I have noticed, I ſhall feel ſatisfied that opinion is correct.

In approaching the ſecond queſtion which I propoſed to examine, the conſtitutionality of the meaſure, whether I reflect on the magnitude of the queſtion on the one hand, or my inability on the other; I am indeed humbled before the undertaking. Without examining whether government ſhould be, according to the modern opinion founded on the reaſon and ſenſe of juſtice of man, it is certain our government is calculated to guard againſt his weakneſs and his wickedneſs. Our government has been particularly cautious, it has left nothing to the hazard of reaſon or ſenſe of juſtice, it has carefully delegated power to three diſtinct departments and ſeparated theſe departments by boundaries plainly marked and formed each ſo as if not to control at leaſt to check the other. The legiſlative power though veſted in men choſen frequently and by the people themſelves in one branch, and by the immediate agents of the people in the other, is nevertheleſs the object of ſuſpicion and caution. Their powers far from reſting on their diſcretion or ſenſe of expediency are expreſsly and cautiouſly limited. The executive conditional veto, forms one check upon the legiſlature, the judiciary I ſhall contend are a check upon both. Here permit me to ſay that from the ſpirit and the words of our conſtitution I infer that the judiciary are a co-ordinate department with the executive and legiſlative. The framers of our conſtitution, ſatisfied that the powers of all well organized governments ought to be divided into three branches, legiſlative, executive, and judicial, have not expreſsly declared there ſhall be ſuch departments, but after premiſing the objects of the government proceed to ordain art. 1: How the legiſlature ſhall be compoſed, and art. 2d ſec. 2. "The executive power ſhall be veſted in a preſident of the United States of America—he ſhall hold his office during the term of four years," and preſcribes the mode of his election—Art. 3d. ſec. 1. "The judicial powers of the United States ſhall be veſted in one ſupreme court, and in ſuch inferior courts as congreſs may from time to time ordain and eſtabliſh, the judges both of the ſupreme and inferior courts ſhall hold their office during good behaviour," &c. By comparing theſe ſections of the conſtitution, it appears the executive and judiciary, are expreſsly created by the conſtitution—nothing is left to the diſcretion of congreſs as to the exiſtence of theſe departments, they are created by the ſame words, and if the legiſlature claim a right to put down the judiciary at pleaſure, before the happening of that event, until which the conſtitution ſecures the office—their miſbehaviour, they may as well aſſume the right to remove the Preſident before the happening of that event, till which his office is ſecured to him the expiration of four years.

I ſhall attempt to eſtabliſh as a firſt principle that the judiciary are a check on the legiſlature—and thence to ſhew, firſt, that by the ſpirit of our conſtitution, the judiciary ought to be independent, beyond the control or influence of either the other departments of power, and ſecondly, that by the words of our conſtitution they are ſo ſecured. Firſt then, that the judiciary are a check on the legiſlature—In the conſtitution we find certain powers delegated to congreſs—we alſo find they are prohibited from exerciſing certain powers, among which are, that they ſhall paſs no bill of attainder, no ex poſt facto law, no law reſpecting religion, &c. ſhould unhappily a legiſlature be found who from weakneſs or wickedneſs, or from the union of both, ſhould tranſgreſs the bounds preſcribed them. What is the ſecurity of the citizen? After all the experience derived from the example of other governments, after all the deliberation and wiſdom of the judges who framed our conſtitution, are we left in this important inſtance, as under the deſpotiſm of a monarch to ſeek redreſs through the throes and convulſions of a revolution? No, ſir, the judiciary are our ſecurity; the legiſlature may enact penalties and denounce puniſhments againſt thoſe who do not yield obedience to their unconſtitutional acts, penalties cannot be exacted, nor puniſhment inflicted, without the judgment of a court; the judges are to expound the law, and that fundamental, paramount law, the conſtitution. To this purpoſe they are ſworn to ſupport the conſtitution, while the judiciary firmly independent and uprightly diſcharge their duty and declare the act of the legiſlature, contrary to the conſtitution, *to be void*; the legiſlature are checked and the citizen ſhielded from perſecution and oppreſſion. But aſk gentlemen whence do the courts derive this power, and the honorable gentleman from Virginia (Mr. Thompſon) ſays we are contending for the *common law doctrine*, that the courts are a check on the legiſlature, if I miſunderſtand the gentleman I truſt he will correct me. Sir, that gentleman I am willing to preſume, knows what I aſſure him, no gentleman with whom I act on this occaſion is ignorant of; that this is not a common law doctrine, that in England their courts have no check on the legiſlature, their parliament are emphatically ſtiled omnipotent, and if they violate the few natural rights which remain to their citizens, they have no remedy but in a reſort to revolutionary principles. It was the want of this check to the oppreſſion of their rulers, which have produced civil wars, and driven one monarch from his kingdom, and ſent another to the ſcaffold. This power exiſts in no other government becauſe in no other government does their exiſt a legiſlature with limited powers. Under our government it is the very eſſence of the conſtitution of a court, a duty enjoined on them by their oath to ſupport the conſtitution, the exerciſe and the admiſſion of this right are not new in America; inſtances muſt be in the recollection of every gentleman. I will cite a few moſt prominent. The honorable gentleman (Mr. Thompſon) has been pleaſed to draw the attention of the committee to the examples of his ſtate. I beg leave to profit from the ſame ſource, in 1787 the legiſlature of that ſtate, making new arrangements in the juriſdiction of their courts, the judges among whom was that venerable gentleman mentioned by the member from that ſtate, whoſe merit and worth command the ſincere homage of my reſpects, proteſted againſt this act, and refuſed to carry it into effect, the legiſlature acquieſced, and the law was repealed. Upon the impoſition of the carriage tax by congreſs, a citizen of Virginia, refuſed to pay the tax upon the ground that it was unconſtitutionally laid. He was ſued for the penalty to the circuit court of that ſtate, from whence by writ of error, the ſuit came to the ſupreme court, in this caſe the defendant relied ſolely on the unconſtitutionality of the act of congreſs, and on this ground was defended by the attorney general of the ſtate of Virginia, and the attorney general, of the ſtate of Pennſylvania. At this time then, it appears, theſe learned gentlemen, the judges and the citizens thought the court competent to relieve in caſe the law was judged to be unconſtitutional. In 1792 congreſs paſſed an act impoſing certain duties reſpecting invalid penſioners on the judges of the circuit courts, the judges at the firſt courts after this act, proteſted againſt it, their proteſt was tranſmitted to the Preſident of the U. States, that preſident who had preſided in the general convention which framed the conſtitution, and therefore as likely to underſtand the powers of congreſs over the judiciary as any other man, ſo far ſanctioned their opinions as to tranſmit them to the next congreſs, where the act was reconſidered and repealed. I beg leave alſo to allude to the authority before mentioned by my friend from Pennſylvania (Mr. Hemphill) which I ſhould think of ſome weight here—It is the opinion of a gentleman venerable for his age, reſpectable for his legal knowledge, and diſtinguiſhed for what in the faſhionable language of the day are termed his republican principles, I mean the executive of Pennſylvania, that gentleman in aſſigning to the legiſlature of his ſtate, his reaſons for not approving an act they had laid before them, after expreſſing his doubts of the conſtitutionality of the act, declares, 'he cannot from a confidence in the legal knowledge, integrity, and fortitude of his former brethren in the ſupreme court, riſk his character in a judicial deciſion on this queſtion, when he does not foreſee any advantage to be derived to his country from a poſſibility of ſucceſs." If any words can make more plain the opinion here conveyed, it is, that he conſidered the judges to have the power and will to exerciſe it, to declare the act unconſtitutional. To my mind theſe conſiderations are ſatisfactory; that from the very conſtitution of our courts, and ſtate legiſlatures, and federal courts and federal legiſlatures that the judges of the United States ſitting in court, have the power, and by oath are bound to pronounce, that an act contrary to the conſtitution, *is void*. From the eſtabliſhment of this propoſition that the judges are the expounders of the conſtitution and the laws made under it, and that they are thereby a check on the legiſlature, I ſhall infer that by the ſpirit of our conſtitution they ought to be independent of the other branches of government, but particularly ſo of the legiſlature. The concentrating the branches of power either executive or legiſlative, or legiſlative and judicial, in the ſame hands, is the very eſſence of tyranny; in proportion as we advance towards the union of theſe powers, in the ſame proportion do we recede from liberty. Are theſe departments ſeparate, unconnected—if the legiſlature, by any means procure their *will*, either directly or indirectly to be ſubſtituted for or to overule judicial judgment? Whether the legiſlature expound and adjudge their acts themſelves, or ſubmit them to the expoſition and judgment of a judiciary ſubſervient to them, is eſſentially the ſame. If the legiſlature exerciſe the power of removal from office by the direct means of a vote of removal, or by the indirect means, the legiſlative legerdemain of a repealing law, is preciſely the ſame thing, the judges are no longer independent, but dependent on the legiſlature for their offices, and ſubject to their control—a conſequence entirely repugnant to the ſpirit of our conſtitution.

I ſhall now attempt to ſhew that by the words of our conſtitution the judges are placed beyond legiſlative control. Art. 3d ſec. 1, "the judges both of the ſupreme & inferior courts ſhall hold their offices during good behaviour and ſhall at ſtated times receive for their ſervices a compenſation which ſhall not be diminiſhed during their continuance in office;" until the contemplation of the preſent meaſure I incline to believe it never entered the mind of any man acquainted with this clauſe of the conſtitution, that judges could be removed otherwiſe than by impeachment for miſdemeanor. The advocates for this legiſlative power contend that the tenure of good behaviour in this article of the conſtitution is intended to reſtrict executive and not legiſlative power—it does not appear probable that an expreſs reſtriction ſhould be introduced againſt a power which is no where expreſsly granted, for gentlemen know that the executive power of removal from office is a power admitted from conſtruction, and not founded on any thing drawn from the conſtitution. I ſay this, the rather, becauſe, by the conſtitution the aid of the Senate is neceſſary to appoint, and a fortiori ſhould be neceſſary to remove. It is important to aſcertain what was the intention of the framers of the conſtitution in introducing the words, 'good behaviour,' the moſt correct ſource in our power from which this aid may be derived, is the writings and opinions of that day, of thoſe who aided in that great work. Among thoſe publications which were written for the purpoſe of explaining and recommending this conſtitution, the moſt celebrated are thoſe under the ſignature 'Publius,' written by the pens of gentlemen of leading influence in the convention, and whoſe talents and patriotiſm are ſtill honored by the nation. In that part of this work, which treats of the tenure of the office of judge 'during good behaviour,' I find this ſtrong expreſſion, 'the ſtandard of good behaviour for the continuance in office of the judicial magiſtracy, is certainly one of the moſt valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the deſpotiſm of the prince. *In a republic it is a no leſs excellent barrier to the encroachments and oppreſſions of the repreſentative bodies.*' This, ſir, is to my mind concluſive that the convention intended this tenure, as a reſtriction no leſs on legiſlative than on executive power, and that in this ſenſe of the phraſe, the people of America received this part of the conſtitution. In aſcertaining the import of the words 'during good behaviour,' it is certainly important to inquire the end to which they have been uſed in other ſimilar caſes—my colleague (Mr. Henderſon) has with much abler talent ſhewn, that in moſt of the ſtate conſtitutions, which exiſted before our federal conſtitution, theſe words are uſed to fix the tenure of offices, whether the executive have neither expreſs, nor conſtructive power of removal. Conſequently they are in theſe conſtitutions, reſtrictive of the legiſlative power. If then, the convention borrowed this tenure from theſe ſtate conſtitutions; it is fair and reaſonable to conclude, they uſed them in the ſenſe in which they were previouſly received. But, ſays my colleague, on the other ſide of the houſe (Mr. R. Williams) the judges in England hold their offices 'during good behaviour,' and yet are removable on an addreſs from both houſes of parliament, and he infers, that the terms may have been taken from England—to this I will firſt obſerve, that no fair argument can be drawn from the exiſtence of this legiſlative power there, for the exerciſe of it here—the mode of appointment there, may render ſuch control over their executive neceſſary, which from the proviſions of our conſtitution are not wanted here. In England the king has the ſole power of appointment; the people have no previous check. In this country, the executive appointment is checked by the requiſite ſanction of the ſenate. But is this legiſlative power in Great-Britain uſurped by conſtruction? No. If the gentleman will read again the ſtat. 13 Wm. 3d he will find this power of removal is expreſsly granted by the crown, to the parliament. If then our convention had this ſtatute before them, in adopting that part which relates to the tenure of office, and omitting that part which gives the power of removal, it is not to be preſumed they intended ſo important a power ſhould depend on conſtruction. The ſame gentleman (Mr. Williams) alſo contended that it could not be preſumed the convention intended to reſtrict the power of the repreſentatives of the people, the friends of the people. What will the gentleman ſay of the correctneſs of this opinion, when I remind him that our powers are all expreſsly reſtricted; that the ſame article which fixes the tenure of office 'during good behaviour' expreſsly and undoubtedly guards againſt and reſtricts the power of the repreſentatives of the people, the friends of the people, by ſecuring the ſalaries of the judges undiminiſhed during their continuance in office.

But as ſtrong an argument as can be uſed againſt the conſtructive legiſlative power, is the evils which may reſult from the exerciſe of it. Popular aſſemblies are as much under the dominance of paſſion as individuals, they feel as ſenſibly and reſent as malignantly—he who has not made this obſervation is a ſtranger to what has paſſed in all popular governments. I am ſorry to add, a ſtranger to what has lately paſſed in this country. By the exerciſe of this power, firm upright judges, men of unbending virtue are to be removed, upon any change of adminiſtration, to make way for more pliant minions, the humble inſtruments of the legiſlature. That Bulwark of our liberties againſt legiſlative encroachment, the independence and purity of our judiciary is tumbled into ruins, and the right of millions are cruſhed by its fall—the ſacred altar of juſtice is polluted and the ſword of juſtice becomes the rod of oppreſſion. On the other hand, what danger is to be apprehended from that independence of the judges for which the friends of the conſtitution contend. Not that bad and corrupt men will be faſtened on us. No, the conſtitution provides for their removal by impeachment. Not that they will viciouſly oppoſe the conſtitutional acts of the legiſlature. No, the legiſlature are a check on them by the mode of impeachment, in which this houſe is the accuſer and the Senate the judges. If the judge be corrupt, if he miſdemean himſelf, he may be removed. If he continue pure and upright, he ought not to be removed. No earthly power, but the mighty hand of the people, which formed the conſtitution, and can deſtroy it, can legally remove him.—Should this meaſure be adopted, and the independence of our judiciary deſtroyed; ſhould the adminiſtration of our government, unfortunately paſs into the hands of men who "feel power and forget right," our conſtitution becomes indeed a 'Lilliputian tie,' and this meaſure will be the firſt link in that chain of meaſures, which will add the name of America to the melancholy catalogue of fallen republics.

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(Debate to be continued.)

NEW-YORK, March 8.

Lateſt from England.

By the attention of a friend, the editors of the New-York Gazette have received by the Britiſh barque Albion, from Liverpool, a regular ſeries of London dates down to the evening of the 7th of January. The extracts which follow, compriſe all that is intereſting.

LONDON, January 4.

Yeſterday Mr. Liſle, a king's meſſenger, arrived with diſpatches from Marquis Cornwallis, and this morning Mr. Webb, ſecretary to Mr. Jackſon, the Britiſh miniſter at Paris, reached Downing-ſtreet with communications, which are ſaid to be of importance.

It is confidently ſtated, that the definitive treaty has been actually ſigned on the part of Great-Britain, France, and the Batavian Republic; while a limited time is allowed for the acceſſion and ratification of the court of Madrid. This ſtatement has at leaſt probability to recommend it to credit.

This morning we received Paris papers to the 29th ult.

Preparations, on a ſcale of great magnificence, are making at Lyons for the opening of the Conſulta of the Ciſalpine Republic. Accounts from that city, of the 22d, poſitively ſtate, that the firſt conſul is to be preſent at the meeting. The prefects and deputies are to hold their ſittings in the palace of the government, and all the public buildings and private houſes, with a triumphal arch prepared for the occaſion, are to be illuminated on the arrival of Buonaparte. Four hundred and twenty-five deputies and thirty prefects have already reached Lyons.

The court of Vienna has appointed a miniſter to the Helvetic government, but he is not to proceed on his embaſſy until the ſigning of the definitive

nitive treaty. The Batavian government is filling up the list of its foreign envoys, and two have been recently nominated to the court of Florence and the Cisalpine Republic.

A letter from Amsterdam of the 8th inst. states, that the expedition lately preparing in that port, had sailed in the night of the 16th, to join the two divisions of the Texel and the Meuse. The whole will then proceed together to the place of their destination, which has not yet transpired, but is supposed to be the Cape of Good Hope, or Batavia.

Accounts from Genoa, of the 9th inst. state the arrival there of Count Campo D'Alange, Spanish minister to the Congress at Amiens. He was complimented in the name of the Ligurian republic by Citizen Rossi, one of the members of government, and acting minister for foreign affairs. The Spanish minister returned the visit by waiting on the executive committee, who received him with the greatest distinction.

January 5.

The last short adjournment of parliament does not appear to us, as it is generally believed, to have the slightest connection with the late mutiny in Bantry-Bay. The alarm produced by that circumstance is entirely at an end, the most perfect subordination exists on board of every ship in the squadron; the trial of mutineers is immediately to come on, and all interference on the part of parliament must be unnecessary. The probability is, that the ministers wish to announce the ratification of the definitive treaty on the day of adjournment for the recess, which, it continues to be believed, is actually signed by the plenipotentiaries of England, France and Holland, and only waits the formal signature of Spain.

Last night we received Paris papers to the 31st ult.

Neither the first consul nor the minister of the interior had left Paris for Lyons, as was reported on the authority of private letters. The former, it is asserted in some Journals, was to set out on Friday last.

January 6.

Government, we understand, have this morning received some accounts from Amiens of an extremely favorable complexion; but as no particulars of the correspondence with lord Cornwallis are very properly suffered to transpire, we can only hope that the business of the negociation is fast approaching to a favorable crisis.

It is reported in some private letters from Paris, that the court of Spain has at length officially signified to that of the Thuilleries, its disposition not to throw any obstacles in the way of the definitive treaty.

The trial of the mutineers came on we understand, this day at Portsmouth, on board the Gladiator, of 44 guns. The court martial is to be held, in the first instance, on the 13 now in confinement, but several more are on board the Namur, which had parted company from the squadron in the passage from Ireland, but was daily expected to arrive at Portsmouth.

A squadron, consisting of the Temeraire, Formidable, Majestic, Theseus, Orion, Resolution and Vengeance ships of the line, and the Resistance frigate, has been ordered to sail with all possible expedition from Portsmouth for the West-Indies, under the command of rear admiral Campbell.

January 7.

The rumour in circulation yesterday evening, that a conspiracy to subvert the present order of things in France had been discovered, rests solely upon the authority of the following extract of a letter from Dover, of the 5th inst.

"It is reported here, that Moreau, Berthier, Massena, and Bernadotte, have been arrested. Search is said to be making for Macdonald, and an embargo was on Sunday laid on the shipping in all the ports of France."

Without pretending to say that no attempt has been made to wrest the reins of power from the hand of Buonaparte, the statements contained in the extract bear the strongest marks of inaccuracy, and do not appear entitled to the slightest degree of credit.

With regard to the statement respecting the emabrgo laid on the shipping in the French ports, it seems altogether destitute of foundation. It is certain that a vessel which sailed from Calais on Monday, and arrived at Dover the same day, brought no intelligence of that nature.

The Hamburgh mail due yesterday, had not arrived, nor had any Paris Journals reached town when this paper was put to press.

The following, it is said, will be the principal taxes proposed by the minister, to pay the interest of the loan to be contracted for in March or April next, and for winding up the expences of the war, viz.

"A new land tax.

"A modification of the customs, by which the revenue will be increased.

"An increased export duty on spices.

"An additional duty on teas (including boheas) for one year, and then a commutation of the duties to be proposed.

"An additional duty on carriages and horses kept for pleasure.

"A modification of the income tax."

Prices of Stocks this day at one o'clock—Consols for opening, 69 1-4 3-8—*Reduced* 68.

HOUSE OF COMMONS,

Monday, January 4.

The Chancellor of the Exchequer. Sir, on the last occasion when this house was assembled, I thought it my duty to propose an adjournment only for a short period. The considerations which at that time operated upon my mind, are, to a certain degree now in force, to induce me to make nearly a similar proposition; at the same time I have the satisfaction to state, that the force of these circumstances is so far diminished, as to convince me that it will not be necessary for me to detain them to the house, I shall therefore move to adjourn to Thursday se'nnight, at which time I shall probably have to move to the period at which it was originally intended to propose an adjournment for the Christmas holidays. He concluded with moving that the house should, at its rising, adjourn to Thursday se'nnight. Agreed to.

The Chancellor of the Exchequer then moved, that the orders of the day should be read, which was also agreed to, and the committees of supply and ways and means were put off till Friday se'nnight. Adjourned to Thursday se'nnight.

LIVERPOOL, January 9.

The expectation of the public having been so great, that the seeming delay in the conclusion of the Definitive Treaty has caused great anxiety and doubt respecting its result. We have more than once expressed our opinion, that its conclusion could not be expected with that celerity which has been so much encouraged by many of the public prints, and so anxiously looked for by this country. Dispatches have this week been received by our government from Marquis Cornwallis, which are reported to be of the most favorable nature; and the signing of the Definitive Treaty is shortly expected to be announced.

NEW-YORK, March 8.

Capt. Dederer of the sch'r Susan in 12 days from Aux-Cays, informs, that the French troops had effected a landing in different parts of St. Domingo, and that the blacks had burnt the town of Leogane, and proceeded to massacre the white people in a shocking manner. The troops destined for Aux-Cays, had not arrived when our informant sailed, but were momently expected. The inhabitants were flying in all directions, and the town exhibited a picture of the utmost distress.

SALEM, March, 2.

MELANCHOLY.

On Sunday, last week, the three following ships sailed from this port on foreign voyages, viz. the Ulysses and Brutus, captains William Brown and James Cook belonging to Messieurs Crowninshields, and the Volusia, captain Samuel Cook, belonging to captain Israel Williams and others. The severe snow storm which followed a few hours after they sailed has occasioned much anxiety for their safety; and it is with extreme pain we state, that last evening accounts came to town from Cape-Cod, which make it appear too probable that the whole were cast away on the back of the Cape. We have not heard particulars of the disasters; from the intenseness of the cold, as well as violence of the storm, we have too much to fear. Numerous are the connexions, and extreme the anxiety which exists; and until the worst is known, we would indulge every favorable hope that can be derived from conjecture.

The Virginia Gazette.

—*RICHMOND*—

FRIDAY, MARCH 19, 1802.

RICHMOND PRICE CURRENT.

STOCK.

Six per Cents, -	18/6
Three per Cent, -	10/6

COURSE OF EXCHANGE.

On London at 60 days, 30 per cent.

PRODUCE.

Richmond Tobacco,	26/ to 27/	Cash.
Flour, Fine,	30/	Cash
Ditto, Superfine,	33/	Cash.
Wheat, Red,	6/	
White,	6/	
Indian Corn,	16/	per barrel.
Hemp,	£ 45	per ton.

The Editor is authorised to say, that GEORGE HAY is a candidate for this city, at the next election.

Extract of a letter from capt. Wm. Warner, of the brig Rainbow, to his owner in New-York, dated Aux-Cayes, February 12.

"Toussaint has sent the general orders to murder all the whites and burn the town on the approach of the French troops. It will be dished with us if that takes place, as we cannot get from this only with the land breeze, and then obliged to tow out from this with our boats for a league. There are seventeen large ships in sight here, which make the blacks very savage. Toussaint is not to be found. They opposed the landing of the French at Port Republican; but those Egyptian soldiers marched without returning the fire."

Extract of a letter from a respectable house in Liverpool, to another in New-York, dated Jan. 180[illegible].

"The French Government have refused to permit the importation of British Manufactures into France, and a great quantity which were sent thither immediately on receiving the account of Preliminaries of Peace being signed, are now on their way back—even coals must be returned. Yet our government seems to have every confidence in their good faith, for the Ministry have declared, that our Plenipotentiary has every reason to be satisfied with the pacific disposition of the French, and a large armament having 26,000 men on board were suffered to sail from Brest on the 18th ult. for the West-Indies, and it has not been thought at all necessary to send out a force to watch their motions. We yesterday heard thro' the London papers that government had sent down orders to Portsmouth to get ready a fleet of 9 sail of the line and some frigates, with all possible dispatch, and that carpenters were set to work on quarter day, which is regularly a holiday—their intended destination is not officially stated, but that circumstances does not seem to have given rise to any rumours in the papers, that it was caused by a jealouly of the motion of the French—indeed, one paper mentions the disturbed state of our islands in the West-Indies as the probable occasion."

A student at Princeton College, in a letter to his correspondent in Philadelphia, thus pathetically laments the unfortunate conflagration of that Classic edifice:

"The college, that proud and stately building, which for near fifty years had stood the boast of New-Jersey, is now a pile of ashes. Every heart is overcome with grief, and every countenance covered with a gloom at the sad and mournful spectacle still exhibited by the smoaking ruins. The awful conflagration excited in the breast of every one, feelings of the most poignant distress—still, still we weep at it. The students saved their clothes and furniture, and the philosophical apparatus, by great exertion, was also preserved; but all the books belonging to the college, as well as the elegant libraries of the Whig and Chosopic societies, and every thing belonging to those valuable institutions, have been consumed. Alumni of Nassau Hall! ye whom she has often exultingly placed on the list of American sages and patriots, and who still dwell with delight on the recollection of your alma matu, will you not drop a tear of sorrow with your youthful successors at this intelligince? It was here you received the germ of those manly and elevated sentiments, which since have flourished with such luxuriance. It was here you imbibed that noble and ardent thirst for honorable distinction in your country, which has placed you on such pre-eminent ground. It was here, in the morning of life, you trod the paths of science and of literature, amidst all the delights of juvenile pastimes and friendships! And are we to lose the hope we had cherished of imitating your bright example? Nassau Hall is no more! Those walls and those apartments which your high fame has rendered classic, now bear the gloomy marks of the destructive and overwhelming ravages of a cruel element, while Clio and Urania, arrayed in sable, mourn over the loss of the beloved objects of their care!"

The Naturalization bill passed in the House of Representatives on the 10th inst.—Yeas 59—Nays 27.

A resolution was offered for adjourning the two houses on the 2d Monday in April, when it was moved to postpone the consideration of it until the 4th Monday of March, which, after debate, was carried—Yeas 46—Nays 42.

The house then took up the amendment of the senate to the act fixing the military peace establishment of the United States.

On the 11th inst. Mr. Griswold laid the following motion, in substance, on the table.

Resolved, That it is proper to make provision by law towards indemnifying the merchants of the United States for French spoliations, so far as claims for the same have been abandoned by the convention of France. Ordered to lie on the table.

Pittsylvania county, Feb. 9, 1802.

THE enclosed, you will be so good as to publish, together with the Toasts* sent you some time since, and you will very much oblige N. W. WILLIAMS.

Mr. Augustine Davis.

* *The* Toasts *here alluded to were either returned, or are mislaid.*

TAKE NOTICE, I shall on the 18th day of the next term of the High Court of Chancery, to be held in the city of Richmond, move that honorable Court to have the deposition of Washington Thompson, now filed as evidence in the suit pending in that honorable Court, in which I am plaintiff, and you and others defendants, to be expunged from the records of that honorable Court—and then the same to be burnt by the common hangman under the gallows.

Yours, &c. MAT. CLAY.

12th February, 1802.

To *Sarah Williams*, Executrix of Joseph Williams, and Administratrix of Robert Williams and others, defendants.

Doctor Cohen,

PHYSICIAN & SURGEON,

From Hamburgh, in Germany,

STUDENT in the Hospital of Copenhagen for 7 years, respectfully informs the inhabitants of Richmond and its vicinity, that he has arrived in this city, and cures with speed and perfect safety, the following diseases, viz: Rheumatic pains; Consumption; Fitts; Venereal Disease, without the use of Mercury; Cancers, without cutting; Dropsy, without tapping; Tooth Ache, without drawing; and all kinds of Sores.

Dr. COHEN may be spoken with at Mr. ROBERT DAVIS's Tavern, near the Spout Spring, every day, from 8 o'clock in the morning until 12, and from 2 o'clock until 8, P. M. Letters from the country, (post paid) duly attended to.

N. B. Poor persons cured GRATIS, provided they have a sufficient proof of their indigence.

Richmond, March 19, 1802.

VIRGINIA, Bedford, March 5, 1802.

SIRS,

PLEASE to take notice, that at the Post-Office, in the town of Greenock, and Kingdom of Great Britain, on the 16th, 17th, and 18th days of August next, between the hours of 10 in the forenoon, and 4 in the afternoon, and on the two succeeding days, between the same hours, (if needful) I propose to take the depositions of one or more witnesses; that on the 19th, 20th, and 21st of the same month, between the same hours, at the Post Office in Glasgow, in the same Kingdom, I propose to take the depositions of one or more witnesses; and that on the 23d, 24th, and 25th days of the same month, between the same hours, (if needful) I propose to take the depositions of one or more witnesses, in the city of London, at the Virginia Coffee-House, in the same Kingdom, all in the suit which is now depending in the Circuit Court of the United States, for the district of Virginia, wherein you are Administrators and Representatives of the Plaintiffs, and I am Defendant.

I am, Sirs,

Your Humble Servant,

JAMES CALLAWAY,

One of the Defendants in the suit, Dobson, Delora & Walker, vs. Trents and Callaway.

Messrs. Mathew Dobson, and Joshua Dobson, Administrators of John Dobson, dec'd.

AN ACT,

To repeal certain acts respecting the organization of the Courts of the United States; and for other purposes.

Section 1. BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act of congress passed on the thirteenth day of February, one thousand eight hundred and one, intitled "An act to provide for the more convenient organization of the courts of the United States," from and after the first day of July next, shall be, and is hereby repealed.

Sec. 2. *And be it further enacted*, That the act passed on the third day of March one thousand eight hundred and one, intitled "An act for altering the times and places of holding certain courts therein mentioned, and for other purposes;" from and after the said first day of July next, shall be, and is hereby repealed.

Sec. 3. *And be it further enacted*, That all the acts and parts of acts, which were in force before the passage of the aforesaid two acts, and which by the same were either amended, explained, altered, or repealed, shall be, and hereby are, after the said first day of July next, revived, and in as full and complete force and operation, as if the said two acts had never been made.

Sec. 4. *And be it further enacted*, That all actions, suits, process, pleadings and other proceedings, of what nature or kind soever, depending or existing in any of the circuit courts of the United States, or in any of the district courts of the United States, acting as circuit courts, or in any of the additional district courts, which were established by the aforesaid act of congress, passed on the thirteenth day of February, one thousand eight hundred and one, shall be, and hereby are, from and after the said first day of July next, continued over to the circuit courts, and to the district courts, and to the district courts acting as circuit courts respectively, which shall be first thereafter holden in, and for the respective circuits and districts which are revived and established by this act, and to be proceeded in, in the same manner as they would have been, had they originated prior to the passage of the said act, passed on the thirteenth day of February one thousand eight hundred and one.

Sec. 5. *And be it further enacted*, That all writs and process, which have issued, or may issue before the said first day of July next, returnable to the circuit courts, or to any district court acting as a circuit court, or any additional district court established by the aforesaid act passed the thirteenth day of February, one thousand eight hundred and one, shall be returned to the next circuit court, or district court, or district court acting as a circuit court, re-established by this act; and shall be proceeded on therein, in the same manner, as they could, had they been originally returnable to the circuit courts, and district courts acting as circuit courts, hereby revived and established.

NATHANIEL MACON,
Speaker of the House of Representatives.

A. BURR,
Vice President of the United States, and President of the Senate.

Approved—March 8, 1802.

TH: JEFFERSON,
President of the United States.

Lands and Negroes

FOR SALE.

BY VIRTUE of a Deed of Trust made to the subscribers by *Benjamin Toler, Thomas Hooper*, and *Henry Toler, jun.* to satisfy a judgment of Henrico court, obtained by Henry S. Shore, as attorney in fact for the late house of William Anderson & Co. of London, will be sold, at Hanover court house, on Wednesday the 28th day of April next, being court day, at public auction, for ready money, the five following

Tracts of Land,

Belonging to the said THOMAS HOOPER, to wit:

One Tract containing eighty seven and a half acres, more or less; one other tract of 107 acres; one other tract of 50 acres; one other tract of 7 acres, and one other tract of 75 acres, more or less. The four first tracts of Land adjoin each other, and are within about three miles of Hanover-Town, in Hanover county, and adjoin the lands of William Hundley, John Haw, Thomas Green, Jeremiah Hooper, and others. The last mentioned tract lies in Henrico county, about 5 miles below the city of Richmond, and is the same which the said Hooper bought of Dabney Miller. Also

59 Valuable Slaves,

among which are two good Blacksmiths and a Cooper.

Charles Copland, } Trustees.
Charles Johnston, }

Richmond, March 16, 1802.

The High bred English Stallion,

DION,

WAS imported from London last fall by John Hoomes, Esq of the Bolling-Green; he was bred by Mr Garfoth of Yorkshire, and is undoubtedly a horse of as pure blood as any in England. He was a good racer, and beat several of the best horses there; among them the famous horse Jonah, for the hand plate at York. In 1800 he ran over the York course (4 miles) with Hambletonian, for the great subscription, and although the greatest possible exertion was made by the rider of Hambletonian (by whipping and spurring) yet he beat Dion only the neck, and actually refused to run with him for the gold cup at Doncaster, a few days after, which Dion won with the greatest ease, beating several good horses; this fact, he subscriber has undoubted proof of, and ready to be shewn to any one that will apply. Dion at another time, beat Mr. Cookson's sir Harry, and sir Thomas Gascoigne's Timothy, with several other horses in high repute, and was considered a horse of great speed and bottom also; for his racing (in almost every instance) was 4 miles, he was lamed early and obliged to quit the turf.

Dion, now rising seven years old, is one of the most compact horses ever seen, he is a fine bay, with great beauty, and has probably the best feet, legs, back and quarters, that were ever combined in any one horse; he measures exactly 15 hands two inches and a half under the standard, has uncommon strength and activity, and is likely to get capital race, saddle, or carriage horses. Dion will stand the ensuing season, which will commence on the first day of March next, and end the 10th day of August following, at Ampthill, (Chesterfield county) on James River, and within six miles of Richmond, to cover mares, at two and a half guineas the leap (to be paid at the stable door) Five Guineas the season, and Ten for insuring a mare to be with foal, to be returned if such should not be the case, and the mare remains the property of the person who put her to horse, which may be discharged any time before the 10th of August next, by the payment of 20 dollars for the season, and 40 dollars to insure, with one dollar to the groom, in every instance; the best pasturage in the state (until the season is out) gratis, after which, should any mares remain, half a dollar a week will be expected; grain will be furnished at the market price, and the greatest attention paid to the mares, but no responsibility for accidents or escapes. Notes for Five Guineas the season, and for ten to insure, (payable as above-mentioned) will be expected with the mares.

ISHAM RANDOLPH.

Ampthill, February 20, 1802.

PEDIGREE.

Dion was bred by Mr. Garfoth, and got by Spadille [one of the best sons of Highflyer] his dam Faith, by Paralet, a grandson of the Godolphin Arabian, his grand dam the famous Atalanta by Old Matchem, out of Lass of the Mill, Oroonoko, Old Traveller, sister to Clark's Lass of the Mill, Mr. Holme's Miss Makeless, by Young Greyhound, Old Partner, Woodcock, dam of the Lambton Miss Doe, Croft's Bay Barb, grand dam of the Ancaster Sterling, Makeless, Desdemona's dam, Brimmer, Dicky Pierson, son of Dodsworth, out of the Burton barb mare. The above pedigree is taken from the general stud book of England.

JOHN HOOMES.

KNOWSLEY,

The most elegant and high formed English Horse, 15 hands 3 inches high, fine bay, 6 years old last May, in great perfection, and as to muscular strength and beauty not inferior to any horse in the state, which will be readily acknowledged by those who will take a fair and impartial examination of him, full of vigour, and entirely clear of blemish—will stand at my stable on *Sandy Point* the present season; and will cover Mares at SIX GUINEAS, which may be discharged by the payment of TWENTY DOLLARS on or before the 10th day of August next: TEN GUINEAS to insure a colt, and THREE by the Leap, with One Dollar to the Groom at the stable door for each Mare. Mares may be fed at the market price of grain, in manner and quantity directed by the proprietors: Servants will be boarded without charge, and pasturage supplied *gratis*, equal in extent and goodness (if not superior) to any in the commonwealth, and laid out in different apartments, so as to suit Mares in foal, those that have foals, and all others. Here gentlemen will find it greatly to their interest to avail themselves of such advantages, independent of the high consideration of raising horses from so fine a stock. This horse has cost me on landing in this country upwards of seven hundred pounds sterling, which can be seen by reference to papers in my hands; and even at this price it was with difficulty he could be obtained, for my agent, a gentleman of great veracity, writes me he could have sold him for 170 Guineas more than the original purchase, which evidently proves the high estimation he was in.

Pedigree, given by Lord Derby in the following words, viz. "I do hereby certify, "that the bay horse called KNOWSLEY, late the property of the Prince of Wales, was bred by me. He was got by Sir Peter Teazle, out of Capella, and was six years old last May, and no more.

(Signed) "DERBY. [Seal.]

"Knowsley, June 15, 1801."

CAPELLA was bred by general Parker, foaled in 1773, and got by Herod—See General Stud Book, page 40. Sir Peter Teazle was got by Highflyer, in 1784—See same book, page 182. Highflyer was got by Herod—See page 201—And so on he may be traced through a noble line of ancestors for ages past, without a single flaw in his genealogy, either on the male or female side.

This extraordinary horse ran often with great credit at two years old, and at three proved successful; and so continued until the last of the year 1800. In 1801 he was purchased for me, and sent to Virginia.—In 1798 he won a sweepstakes of 20 guineas each, for three year olds, 8 subscribers, once round the ground, beating Mr Pierce's b. c. by Walnut, Sir H.T. Vane's Push forward, Sir H. Williamson's Stripling, Mr. Fletcher's g c. Camperdown, Mr. G Crompton's c. Basto, and Lord A. Hamilton's b. g. by Spadille, out of Snow Drop. See Calendar for 1798. He also won the Members' Plate of 50 guineas for three and four year olds, beating Lord Derby's four year old colt by Diomed, five to one on Knowsley, who was then Mr. Field's property. See Calendar for 1798. He also won a sweepstake for three year olds, beating Mr. Garforth's b. c. by Spadille, and Lord A. Hamilton's b. c. by Spadille. See Calendar for 1799.

In May, 1799, York. On Tuesday May 28, a sweepstakes of 20 guineas each, (7 subscribers) then the property of Mr. Walker, was won by Knowsley, beating Lord Fitzwilliam's ch. h. Wonder, five years old, Lord Hamilton's ch. h. by Walnut, Sir Thomas Gascoigne's Maid of the Mill, and John Robinson's b. c. Abraham Newland. On Thursday the 30th following, he also won the Stand Plate, of 50 guineas, for four year olds, beating Lord A. Hamilton's b. c. by Spadille, Mr. Garforth's mare Caroline, 6 years old. Lord Belhaven's ch. h. Master Robert; 6 years old, Mr Wentworth's Barnaby, and Mr. J. Anson's gr. h. Little Scot, 5 years old.—See Calendar for 1799.

IN June, 1800, (Guildford) the Prince of Wales owned him, and won the King's Plate for 4 year olds, of 190 guineas—12 stone 4 lbs. four mile heats, and beat Lord Donegall's b. h. by Pot 8 o's.—See Calendar for 1800, page 35.

Winchester, July 8. His Majesty's Plate of 100 guineas was run for and won by Knowsley, beating Lord Donegall's b. h. by Pot 8 o's, 5 years old, and Sir T. Evelyn's, b. h. Asparagus, 5 years old, 6 to 4 on Knowsley.

Lewes, August 12, 1800. The King's Plate of 100 guineas, four mile heats, was one by Knowsley, beating Lord Donegall's ch. c. Flugleman; four to one on Knowsley. Thursday following he one a subscription of 10 guineas each, beating Mr. Durand's Bellissima, and Mr. Ladbroke's Humbug. See Calendar for 1800—78 and 79.

Litchfield, on Thursday September 9, he won the King's Plate of 100 guineas, three mile heats, for 5 year olds, carrying 8 stone 7lbs. beating Mr. Heming's b. h. Pharo, ten to one on Knowsley.

Notwithstanding these evidences of Knowsley's superior worth, yet it is my wish that gentlemen should be still further satisfied by a personal view of him; it is also my desire that those who are inclined to speak and act candidly, would visit me in the Spring, and take a ride over the pastures, that they may be satisfied that nothing here asserted is exaggerated.

WILLIAM LIGHTFOOT.

February 1, 1802.

N. B. I will not be answerable for involuntary escapes or accidents.

Negroes for Sale.

In pursuance of a decree of the hon. the high court of chancery, in the suit of James Hunter's executor's against the representatives of Robert Coleman and others, will be exposed to sale, at Martinsburg, in the county of Berkeley, on Monday the 22d day of March, being court day,

SUNDRY SLAVES,

The property of the late Nath. Pendleton, Esq. dec. at auction for ready money, to satisfy the claim of the plaintiffs against the said Robert Coleman and others.

Edward Smith,
Richard K. Meade,
Thomas Massie,
} *Commissioners.*

Feb. 24, 1802. 3aw

NOTICE.

The Subscribers have formed a Commercial connexion, under the firm of

Long and Crews.

THEY will be principally concerned in the purchase of Country Produce.

Should any business be offered in the Commission Line, it will meet due attention from *Thomas Crews*, residing in Lynchburg, and *Will. Long*, here.

Their Office is on the second story above Messrs. ELLIS & ALLAN's Store.

Will. Long,
Thomas Crews.

Richmond, Jan. 1st, 1802.

SEEDS.

Minton Collins,

Respectfully informs his friends and the public, that he has lately received, from the Northern States, a very general assortment of

GRASS SEEDS;

And from London, via New-York, a fresh assortment of

GARDEN SEEDS,

Which may be had at his SEED STORE, for CASH only, viz.

Red & White Clover,

Trefoile or yellow	Green and Yellow
ditto,	Savoy do.
Lucern & Timothy	Large Winter,
seed,	Scotch, Dutch &
Burnet & Ryegrass	Madeira Cabbage,
ditto,	Red Dutch to pickle,
Bluegrass, Burden	Brussels Sprouts and
grass, & Saintfoine,	Borecole,
Furz or Whin seed,	Early and late Cauliflower,
Spring Tares, or	Green, purple and
Vetches,	white Broccolie,
Hemp, Flax, Rape,	Salsafie & Nasturtium,
Mustard, Canary,	White and green
and Spinage,	Cos Lettuce,
Large Norfolk and	Indive Ice Lettuce,
Summer Turnips,	Roman, Cabbage,
Early salmon, short-top and white	Brown Dutch, & Grand Admiral
Turnip Radish	Lettuce,
seed,	Corn Sallad,
Early Frame, Hotspur, Charlton,	Early Frame & long green Cucumber,
Marrowfat, Spanish Morotto, &	Madeira, Silver skin,
Prolific Peas,	Red and Welsh
Large Windsor, long	Onion,
pod and Massagan	Red & Orange Carriot,
Beans,	Large Parsnip,
Blood red Beet, and	White and Green
Solid Celery.	Asparagus,
Early York, Sugar	Garden Cress, and
Loaf, and Battersea Cabbage seed,	Peppergrass,
	of Flower Seeds;

With an assortment Glass Flower Bottles; some Painted Flower Pots, and Beachers for Chimney Ornaments, and Red Garden Pots, &c.

A TREATISE on GARDENING, by a Native of this State.

Richmond, Dec. 31, 1801. (tf)

Dissolution of Partnership.

THE public are hereby notified, that the Partnership in Trade, formerly carried on by David Buchanan, James Dunlop, and Robert Pollok, under the firms of

BUCHANAN, DUNLOP, & Co.
In Petersburg,
DUNLOP, POLLOK, & Co.
In Manchester, and
ROBERT POLLOK, & Co.
In Richmond,

Was dissolved, on the 31st day of August last.

Mr. James Dunlop will pay and receive all debts due by and to the concern, at Petersburg, as will Mr. Robert Pollok, those at Richmond and Manchester.

David Buchanan,
per his Attorney in fact,
Robert Pollok.
James Dunlop.
Robert Pollok.

Petersburg, 8th Oct. 1801.

By virtue of two deeds of trust executed to the subscriber by William Mead, will be exposed to sale, at public auction, for ready money, on the premises, for the purpose of discharging a debt due to Thomas Goodwin, Esq. of Fredericksburg, and a debt due to Mr. Joseph Sandidge of Louisa; on Saturday the 27th day of March next, the

Tract of Land,

WHEREON the said Mead now resides, on Contrary River, in Louisa county, containing 216 acres, more or less and is adjoining the lands of George and Joseph Boxley, Walter Lewis, William Kimbrough, John Burrass, John Gibson and Daniel Ford.

SAMUEL OVERTON, jun. *Truste.*

Louisa county, Feb. 8, 1802. tdf.

William Temple,

Has Imported by the latest arrivals from London & Liverpool,

A GENERAL ASSORTMENT OF

MERCHANDIZE,

Which he will dispose of low, by the PIECE OR PACKAGE.

He has also just received the following Articles, for sale.

5 PIPES,	Genuine Old Port
10 Hogsheads,	WINE.
8 Qr. Casks,	

3 Pipes Medeira Wine;
1 Hhd. Old Antigua Rum, 4th Proof;
10 Tierces London Porter;
20 Hhds. Sugar;
50 Bags Coffee;
700 Sacks Liverpool Salt.

Richmond, Nov. 30, 1801.

THIRD NOTICE,

In the case of JOHN CARTER,

BANKRUPT.

WHEREAS a commission of bankrupt founded upon the statute of the Congress of the United States, passed the fourth day of April, in the year one thousand eight hundred, entituled, "An Act "to establish an uniform System of Bankruptcy throughout the United States," has been awarded and issued against *John Carter*, of Pittsylvania county, in the district of Virginia, *Merchant*, and he has been declared *Bankrupt*: and he is hereby required to surrender himself to the commissioners in the said commission named, or the major part of them, on the third and thirty-first days of March, and on the third day of April, next ensuing, at eleven of the Clock in the forenoon of each day, at the office of the *Undersigned*, lower end of Bollingbrook-street, in the town of Petersburg, and make a full and true discovery and disclosure of his estate, real and personal, of every nature and description, to which he may be entitled either in law or equity, when and where his creditors are to come prepared to prove their debts, at the second meeting to choose assignees, and at the last meeting the said Bankrupt is required to finish his examination.

All persons indebted to the said Bankrupt, or who have any of his effects, are not to pay or deliver the same, but to whom the commissioners shall appoint.

CONRADE WEBB.
Solicitor to the Commission

Commissioner's Office, Petersburg, 20th February, 1802. } 4Ap.3

TO COVER,

The ensuing season at my stable at Charlottesville in the county of Albemarle,

THE HIGH BRED

English Stallion,

HAMILTON,

A blood boy, elegantly formed, near sixteen hands high, eight years old last May;

WILL be let to mares at Twenty Dollars the season, and Forty Dollars to insure a mare's being with foal, for either notes will be expected with the mares payable on the 1st of January next. Ten Dollars cash the single leap; and in every instance Half a Dollar cash to be paid to the Groom. The season will commence the 15th of March, and end the 15th of August.

Cornelius Schenk.

February 22d, 1802.

PEDIGREE.

"This is to certify that the Bay Colt "was got by Highflyer, dam by Eclipse, "from Young Cade, which was the dam "of Vauxhall (bred by Mr. Tatterfall) and "bought at Lord Grosvenor's sale, 18th "May, 1795, then two years old."

(Signed)
"GROSVENOR. [Seal.]"

"31st January, 1797.

PEDIGREE CONTINUED.

"His great grand dam by the Bolton "Little John, great, great grand dam by "Mr. Durham's Favourite, by a son of the "Bald Galloway, great, great, great "grand dam, (the dam of Lord Portmore's "Daffodil) by a foreign horse belonging to Sir Thomas Gascoigne."

"Signed JUNIUS BAKER."

"N. B The Cade mare, the dam of "Vauxhall, was also the dam of Dulcinea, Mambrino, Cervantes and Sancho, all first runners."—The foregoing is a copy of the original pedigree in my possession, which came over with the Bay Colt, now called Hamilton.

Thomas Wilson.

Richmond, Feb. 22, 1802. ep6t

By virtue of a decree of the worshipful court of New-Kent County, will be sold to the highest bidder, on a credit of twelve months, at New-Kent Court House, on the second Thursday in April next, being Court day,

A Tract of Land,

Belonging to the estate of John Morriss, dec'd. about two miles from the said Court house, containing one hundred & fifty acres, more or less, and subject to the Widow's Dower, which will be allotted her, before the day of sale. Separate Bonds, with approved security, will be required of the purchaser, by

The Commissioners.

March 2d, 1802.

A FEW COPIES OF

Henning's Justice,

May be had at this Office, and of Mr. Pumfrey, Book-Binder and Stationer.

SPORTS OF THE TURF!

NEW-MARKET.

In consequence of the elections in the different counties in this state coming on the 27th day of April, at which time the New-Market Races are advertised, and from a desire of many gentlemen of the turf also, I am compelled to alter the same to the third Wednesday in May, at which time they will certainly commence, agreeable to the former tenor, viz:

FIRST day, a Sweepstakes, by three year old colts and fillies, carrying each 86lbs. two mile heats, entrance One Hundred Dollars, half forfeit. This subscription will be kept open until the 15th day of April, and no longer. Entrance to be made by letter or personal application to the subscriber. Should more than six start, the entrance money of the second best will be returned.

Second day, a purse of 400 dollars will be run for, four mile heats, entrance 30 dollars. Weights as heretofore established.

Third day, a purse of 200 dollars will be run for, two mile heats, entrance 15 dollars.

And the fourth day, a Sweepstakes, by three and four years old colts and fillies, the former carrying 86lb. and the latter 100lb. two mile heats, entrance 100 dollars. This subscription will be closed the evening of the third day's race; and if five or more nags start, the entrance money of the second best will be returned.

Good stables and litter furnished for race horses GRATIS.

STIRLING GARY,
Keeper of the Course.

February 14, 1802.

THE Subscriber having taken the above Course for two years, has furnished himself with good beds, as well as stables, together with ostlers and servants of a proper description; also, liquors of a superior quality. He flatters himself from his experience, and a desire to please, in the above business, to give general and complete satisfaction.

CASH

GIVEN FOR

TOBACCO,

AT the second house below the Eagle Tavern, by

John Richard, & Co.

Richmond, Nov. 19, 1801.

United States Fourth Circuit,

Eastern District of Virginia.

December term, 1801.

Mary Douglass, plaintiff,
Against
Thomas Blane & James Patton, jun. defts.
} *In Chancery.*

THE defendant Thomas Blane, not having entered his appearance and given security according to the rules of this court, and it appearing to the satisfaction of the court, that he is not an inhabitant of this district, on the motion of the plaintiff, by his counsel, *It is ordered*, that the said defendant do appear here on the first day of the next court, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some one of the newspapers published in the city of Richmond for two months successively, and posted up at the front door of the capitol, in the said city.

A Copy Teste,
Wm. MARSHALL, Clerk.

FOR SALE

A Tract of Land,

IN AMHERST county, (commonly called the New-Glasgow tract,) containing 431 acres, about half of which is cleared. It lies within 13 miles of two inspections of Tobacco, on James river, and two of a Merchant Mill, in an agreeable neighborhood, and is a remarkable healthy situation. The improvements are a framed Dwelling House, (for many years occupied as a Tavern) with 8 rooms and a lengthy Portico, and every necessary out house; a framed Store house, with 5, including two shed rooms, with a brick chimney; 2 framed houses, with brick chimneys, containing two rooms each; a dwelling house built of hewed logs, with a plank floor, 2 rooms below, and a stone chimney. On the same lot with this last building is a good shop for a tradesman and some necessary out houses; an orchard of near 200 choice bearing Apple trees, beside various other kinds of fruit trees, and a well enclosed garden. This land will be divided to suit purchasers, if a sale of the whole can be enforced. It will be shewn by Mr. *Richard Herndon*, living near it, and the terms made known by the subscriber, residing near Warminster, to any person inclinable to purchase. If it should not be disposed of before the 17th (it being the third Monday) of May next, it will on that day, be sold at Amherst Courthouse, to the highest bidder, on a credit of 2, 4, and 6 years, for one third of the money respectively, when further particulars and conditions respecting the sale will be made known by

Will. Cabell.

February 15, 1802. 12w 6t.